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South Carolina House of Representatives

Legislative Update

David H. Wilkins, Speaker of the House

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STATE DOCUMENTS

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NOTE: Bill summaries included in this document are prepared by the staff of the South Carolina House of Representatives and are not the expression of the legislation's sponsor(s) or the House of Representatives. The summaries are strictly for the internal use and benefit of members of the House of Representatives and are not to be construed by a court of law as an expression of legislative intent.

OFFICE OF RESEARCH

Room 213, Blatt Building, P.O. Box 11867, Columbia, S.C. 29211, (803) 734-3230

HOUSE WEEK IN REVIEW

The House of Representatives adopted the free conference committee report on **S.560**, legislation pertaining to **ECONOMIC DEVELOPMENT, HIGHER EDUCATION, AND BONDS**. The Senate has not approved the compromise legislation. The provisions of S.560 include:

- The legislation enacts the **"SOUTH CAROLINA LIFE SCIENCES ACT"** to provide economic development incentives for businesses to establish in the state certain life sciences facilities engaged in pharmaceutical, medicine, and related laboratory instrument manufacturing, processing, or research and development. The legislation revises the Enterprise Zone Act to add life sciences facilities investing at least \$100 million and creating at least 200 new full-time jobs with an average compensation of at least one hundred fifty percent of annual *per capita* income in South Carolina. The bill allows employee relocation expenses to qualify for reimbursement with job development credits. The bill allows for waiver by the Coordinating Council of county limits on job development credits for such a facility. For qualifying facilities, the bill allows the Department of Revenue to negotiate an agreement regarding payment of taxes, not to exceed fifteen years. The bill increases from 10% to 15% per year the depreciation for "clean rooms." The bill adds depreciation for life sciences machinery and equipment at 20% per year. The bill allows life sciences facilities investing at least \$100 million and creating at least 200 new full-time jobs with an average compensation of at least one hundred fifty percent of the state's annual *per capita* income to qualify for financing under the State General Obligation Economic Development Bond Act.
- The legislation contains provisions for financing a national and international **CONVENTION CENTER AND TOURISM TRAINING PROJECT** in Myrtle Beach under the State General Obligation Economic Development Bond Act.
- The legislation enacts the **"VENTURE CAPITAL INVESTMENT ACT OF SOUTH CAROLINA."** The legislation establishes within the Department of Commerce a fund to increase the availability of equity, near equity, or seed capital for emerging, expanding, relocating, and restructuring enterprises in South Carolina, so as to strengthen the State's economic base and to support the State's economic goals. The bill is also intended to address long-term capital needs of small-sized and medium-sized firms, to address the needs of micro enterprises, to expand availability of venture capital, and to increase international trade and export finance opportunities for South Carolina based companies.
- The legislation enacts the **"SOUTH CAROLINA RESEARCH UNIVERSITY INFRASTRUCTURE ACT."** The legislation increases the limitation on general obligation debt to six percent with the additional debt service capacity used to advance economic development and create a knowledge based economy,

thereby increasing job opportunities, and to facilitate and increase research within the State at the research universities. The legislation provides that that the amount of the general obligation debt issued under the act that may be outstanding at any one time shall not exceed two hundred fifty million dollars. Eighty-eight percent of funds authorized under the act are to be allocated among the state's research universities (the University of South Carolina, Clemson University, and the Medical University of South Carolina) for research infrastructure projects approved by the Research Centers of Excellence Review Board. Twelve percent of funds authorized under the act are to be allocated among the state's other public institutions of higher learning.

- The legislation contains measures authorizing **GREATER FLEXIBILITY FOR PUBLIC INSTITUTIONS OF HIGHER LEARNING**. These provisions include: removal of the cap for federal/other funded employee bonus pay; provision of graduate assistant health benefits; allowing establishment of research grant positions without regard to the university's authorized allocation of FTE's; and; increasing the maximum allowed number of education fee waivers at these universities from 2% to 4% of the student body; and, the authority of boards of trustees to exercise the power of eminent domain to condemn lands.
- The legislation **AUTHORIZES THE UNIVERSITY OF SOUTH CAROLINA SUMTER TO OFFER FOUR-YEAR DEGREES** at the Sumter campus.
- The legislation authorizes a **CULINARY ARTS PROGRAM AT TRIDENT TECHNICAL COLLEGE** in Charleston.
- The legislation provides that **NO CAMPUS OF THE UNIVERSITY OF SOUTH CAROLINA SHALL BE CLOSED WITHOUT PRIOR AUTHORIZATION OF THE GENERAL ASSEMBLY** by act or joint resolution.
- The legislation establishes a **COMMITTEE TO STUDY THE FEASIBILITY AND NEED FOR A SCHOOL OF LAW AT SOUTH CAROLINA STATE UNIVERSITY** in Orangeburg.

The House amended Senate amendments to **H.3448**, a bill pertaining to **AT-WILL EMPLOYMENT**. The Senate subsequently concurred in those amendments and ordered the bill enrolled for ratification. This bill revises South Carolina's at-will employment doctrine in light of recent court rulings under which employers who use employee handbooks, even with conspicuous disclaimers and employee acknowledgements, may inadvertently create a contract of employment that replaces the intended at-will employment relationship. The legislation provides that it is the public policy of this State that a handbook, personnel manual, policy, procedure, or other document issued by an employer or its agent after June 30, 2004, shall not create an express or implied contract of employment if it is conspicuously disclaimed. Such a disclaimer in a handbook or personnel manual must be in underlined capital letters on the first page of the document and signed by the employee. For all other documents, the disclaimer must be in underlined

capital letters on the first page of the document. Whether or not a disclaimer is conspicuous is a question of law.

The House approved S.787 and ordered the bill enrolled for ratification. The bill revises provisions relating to the use of **BOND SALE PROCEEDS** for general obligation bonds issued by the state and political subdivisions under the various authorizing statutes, so as to eliminate the requirement that bond premiums be applied only to the first installment of principal due.

The House adopted Resolution H.4834 to express the sense of the House that **NO PERMANENT LAW (PART II PROVISIONS) SHOULD BE INCLUDED IN THE GENERAL APPROPRIATIONS BILL** for Fiscal Year 2004-2005, when the bill is under consideration in the House beginning the week of March 8, 2004.

The House returned S.390, a bill regarding **CHILDREN'S TRUST FUND EXPENDITURES**, to the Senate with amendments. Under the legislation, the Children's Trust Fund is authorized to award grants to private nonprofit organizations and qualified state agencies to fulfill its objectives. The legislation authorizes the fund's board to award grants to programs that enhance or promote the adoption of special needs children in state custody. The bill removes the limitation on the amount of Children's Trust Fund revenues that may be disbursed.

The House approved and sent to the Senate H.4642, a bill designating the third Friday in September of each year as **POW/MIA RECOGNITION DAY** in South Carolina. The bill provides that the Governor shall issue a proclamation each year calling upon the people of South Carolina to observe the day with appropriate ceremonies and activities. The bill provides that on the recognition day the flags atop state and local public buildings including the State Capitol Building shall be flown at half-staff until noon.

The House amended, approved, and sent to the Senate H.4475, the "**FISCAL DISCIPLINE PLAN OF 2004**". Relating to actions necessary for the State Budget and Control Board to cover an operating deficit, this bill requires an operating deficit to be placed as the first item on the agenda of the State Budget and Control Board at the first Board meeting following the Comptroller General's closing of the books for the fiscal year. The bill requires the State Treasurer, before the close of the state's books for 2003-2004, to transfer an amount of fiscal year 2003-2004 General Reserve Fund revenue up to fifty million dollars to repay general depository accounts used to offset the fiscal year 2001-2002 operating deficit. The bill provides for additional repayments for fiscal years 2004-2005 and 2005-2006, of up to fifty million dollars per year from the Capital Reserve Fund, to the extent such funds are available. The bill limits General Fund appropriations growth to three percent per year for Fiscal Years 2003-2004 through 2008-2009. The bill also provides for the use of any surplus revenues for eliminating the deficit and restoring funds to the General Reserve Fund, and provides that any surplus left after these items are accomplished is deemed Capital Reserve Fund revenue. The bill provides that during this period (Fiscal Years 2004-2005 through 2008-2009) annually required transfers to the General Reserve Fund must be considered recurring General Fund appropriations.

The House amended, approved, and sent to the Senate **H.4399**, the **CHILDHOOD LEAD POISONING PREVENTION AND CONTROL ACT**. This bill updates the Childhood Lead Poisoning Prevention and Control Act and makes technical changes to conform to Centers for Disease Control and Prevention (CDC) definitions and program standards as well as U.S. Environmental Protection Agency (EPA) standards for lead based substances. The bill also requires a laboratory doing business in this State to notify DHEC of the results of any blood lead analyses conducted on children under six years old. The report must be made to DHEC within 30 days of the analysis. Some physicians send their lead test samples to the DHEC laboratory but many use private labs. These labs already report positive tests to DHEC. In addition, the bill updates the procedures for the issuance and execution of an administrative warrant to investigate a property involving a lead poisoning case to be consistent with the way DHEC handles investigations in other areas. This bill also provides that, in addition to a penalty imposed by a magistrate for a misdemeanor violation, anyone who violates a provision of this article or a final determination or order of DHEC is subject to a civil penalty not to exceed \$1000. The provisions of this article are contingent upon the appropriation of state general funds or the availability of financial support from other sources to support the program. Currently, the CDC provides funding for most of DHEC's lead poisoning prevention efforts.

The House amended, approved, and sent to the Senate **H.4720**, a bill enacting the **"UNIFORM ELECTRONIC TRANSACTIONS ACT."** The legislation provides for: definitions, legal effect and enforceability of an electronic record and signature; changes or errors in transmission of an electronic record; compliance of an electronic record or signature with other laws affecting validity or retention or receipt of a record or signature; use of electronic records by governmental agencies; promulgation of regulations by the Budget and Control Board to enhance the utilization of electronic records and signatures; and development by the Secretary of State of model procedures and promulgation of regulations for secure electronic transactions, including licensing of third parties; provisions to make the Computer Crime Act applicable to the Uniform Electronic Transactions Act. The legislation also repeals the South Carolina Electronic Commerce Act.

The House amended, approved, and sent to the Senate **H.3409**, a bill authorizing the establishment of a **FIREWORKS PROHIBITED ZONE** on private real property. Under the legislation, an owner, a lessee, or managing authority of real property may establish a Fireworks Prohibited Zone by: (1) filing a Discharge of Fireworks Prohibited Agreement with the law enforcement agency having jurisdiction over the subject property; and (2) posting at least two signs or placards in conspicuous locations on the subject property as provided. A Fireworks Prohibited Zone is an area in which fireworks are prohibited from being discharged. Such a zone shall extend beyond the subject property to the low water mark of all oceanic bodies of water adjoining the subject property. A Fireworks Prohibited Zone includes the area: (a) contained within the boundaries of the subject property; (b) extended from the boundaries of the subject property to the center line of any street or thoroughfare that it abuts; and (c) extended from the boundaries of the subject property into any public land sharing a common boundary for a distance not to

exceed five hundred feet. A person who discharges fireworks from, in, or into a Fireworks Prohibited Zone is guilty of a misdemeanor and, upon conviction, must be punished: (1) for a first offense by a fine of not more than one hundred dollars or imprisonment for not more than thirty days; and (2) for a second and subsequent offense by a fine of not more than two hundred dollars or imprisonment for not more than thirty days.

The House amended, approved, and sent to the Senate **H.4420**, a bill targeting the **MANIPULATION OF EMPLOYER EXPERIENCE RATING** under the State Unemployment Tax Act for the purpose of avoiding the full tax rate owed by the employer. Under experience rating, the rate that an employer owes under the State Unemployment Tax Act is calculated using such factors as the unemployment insurance benefits paid to former employees. The legislation prohibits the practice of transferring employment experience of all or part of an employer's payroll into a shell company that has a low tax rate under the State Unemployment Tax Act. The legislation requires employers who transfer employees to a new business to also transfer the unemployment experience of the first company if the two employers are under substantially common ownership, management, and control. The legislation also prohibits the practice of purchasing a business with a desirable employer experience record for the sole purpose of starting a different business while using the experience record of the discontinued business for the purpose of establishing a lower tax rate.

The House amended, approved, and sent to the Senate **H.3702** a joint resolution proposing an amendment to the South Carolina Constitution so as to provide for a **CONSTITUTIONAL RIGHT REGARDING FISH AND WILDLIFE MANAGEMENT**. This joint resolution proposes an amendment to the enumeration of rights under Article I of the South Carolina Constitution by adding a new section establishing that fish and wildlife management, including the taking of fish and game, must be consistent with the State's duty to protect this heritage and its duty to conserve wild animals, birds, and fish.

The House approved and sent to the Senate **H.3813**, a bill which **REQUIRES THAT AN AGENCY WHICH ENFORCES NATURAL RESOURCES, GAME, FISH, OR BOATING LAWS MUST REPORT EACH CRIMINAL CHARGE MADE AND ITS DISPOSITION TO THE DEPARTMENT OF NATURAL RESOURCES (DNR)**, as provided in the bill, and DNR must make criminal records which they maintain available to other law enforcement agencies upon request.

The House approved and sent to the Senate **H.4649**, a bill pertaining to **INVESTIGATIONS OF TRAFFIC COLLISIONS INVOLVING LAW ENFORCEMENT VEHICLES**. This bill revises provisions for investigations of traffic collisions involving a motor vehicle or motorcycle of a law enforcement agency, so as to define the term "involved in a traffic collision" to include any police vehicle involved in a police action when a collision occurs. The legislation provides that any investigation that occurs as a result of a collision involving a police vehicle must include a field investigation to identify possible witnesses, including witnesses not involved in the collision itself, but who may have witnessed the collision from an area separate from the collision site.

The House approved and sent to the Senate **H.4823**. This bill provides for an **AUTOMATIC STAY OF EXECUTION DURING APPELLATE REVIEW OF A JUDGMENT IN A CIVIL ACTION INVOLVING A PARTY TO THE MASTER SETTLEMENT AGREEMENT ENTERED INTO IN CONNECTION WITH THE TOBACCO ESCROW FUND ACT**.

The House approved and sent to the Senate **H.4413**, a bill pertaining to **CASUALTY INSURANCE RATES**. This bill revises criteria for the making of rates for casualty insurance, so as to provide that consideration must be given to assessments, such as the Guaranty Fund, Wind and Hail Joint Underwriting Association, and similar mechanisms when making the rates. The bill provides that proposed rates changes where the sole factor for the change is the impact of a revised assessment does not constitute a rate increase for purposes of the requirement that an insurer make or issue a contract or policy only on rates which are in effect.

The House approved and sent to the Senate **H.4406** a bill that revises the **DEFINITION OF "LEGISLATIVE CAUCUS" UNDER LOBBYING AND CAMPAIGN PRACTICE PROVISIONS** so as to include a caucus based on representation of persons residing outside of a major metropolitan area.

The House approved and sent to the Senate **H.4572**. This bill designates the South Carolina Tobacco Museum in the city of Mullins as the **OFFICIAL TOBACCO MUSEUM OF THE STATE**.

The House approved and sent to the Senate **H.4615**, a bill **AUTHORIZING THE PIEDMONT MUNICIPAL POWER AGENCY TO OPERATE BEYOND ITS ORIGINAL FIFTY-YEAR LIMIT** to coordinate with the license extension for the operation of the Catawba Nuclear Plant that Duke Power obtained from federal regulators. This bill revises provisions relating to contracts to buy power between a joint power and energy agency and its constituent municipalities, so as to provide for the extension of contracts to buy power beyond the original fifty-year limit when the date of operation of the electrical utility agent is extended by all agencies having jurisdiction over such an extension.

The House amended, approved, and sent to the Senate **H.4573**. This joint resolution extends the term of existence for the **COMMERCIAL MOBILE RADIO SERVICE (CMRS) EMERGENCY TELEPHONE ADVISORY COMMITTEE** to August 1, 2007, rather than August 1 of this year. The legislation also allows members of the committee to be appointed for more than one subsequent term.

The House amended, approved, and sent to the Senate **H.4723**, a bill which **CHANGES THE NAME OF A COUNTRY TRANSPORTATION COMMITTEE ENTITLED TO EXPEND "C" FUNDS**, to the Legislative Delegation Transportation Committee of the particular county (i.e., "Richland County Legislative Delegation Transportation Committee").

HOUSE COMMITTEE ACTION

EDUCATION AND PUBLIC WORKS

The Education and Public Works Committee reported favorable with amendment on **S.154**, a bill which **REVISES PROCEDURES AND TIMELINES FOR FINGERPRINT REVIEW AND CRIMINAL RECORD CHECKS FOR APPLICANTS FOR INITIAL EDUCATION CERTIFICATION**. As reported by the Committee, this bill requires that a person enrolled in a teacher education program in this State must be advised by the college or university that his prior criminal record could prevent certification as a teacher in this State. The bill requires that before beginning full-time clinical teaching experience in this State, a teacher education candidate shall undergo both a state and a national criminal records check as provided in the bill. The bill provides that a teacher education candidate with arrests or convictions that could affect his fitness to teach may be denied the opportunity to complete the clinical teaching experience and qualify for initial teacher certification. If denied, such a candidate may, after one year, request reconsideration as provided in the bill. The bill requires that a graduate of a teacher education program applying for an initial teacher certification must have completed the FBI fingerprint process within eighteen months of applying for initial certification or the fingerprint process must be repeated. The bill also provides that an institution of higher learning in South Carolina offering education as a major must inform a potential education major considering teaching as a career that his prior criminal history could prevent certification as a teacher in this State, and the student may then choose to have a SLED background check for advisement purposes (at his own expense).

The Committee reported favorable with amendment on **H.4165**, regarding the **MEMBERSHIP OF THE STATE BOARD OF EDUCATION**. This bill adds a nonvoting member - to be appointed by the Governor for a two year term - who must be the Commander, or his designee, of a military installation headquartered in the State.

The Committee reported favorable on **H.4539**, which **REPEALS THAT SECTION OF LAW REQUIRING THE STATE BOARD OF EDUCATION, FOLLOWING THE RECOMMENDATIONS OF THE EDUCATION OVERSIGHT COMMITTEE, TO SELECT A NORM REFERENCED TEST TO OBTAIN AN INDICATION OF STUDENT AND SCHOOL PERFORMANCE RELATIVE TO NATIONAL PERFORMANCE LEVELS**.

The Committee reported favorable on **H.4572**, which **DESIGNATES THE SOUTH CAROLINA TOBACCO MUSEUM IN MULLINS AS THE OFFICIAL TOBACCO MUSEUM OF THE STATE**.

JUDICIARY

The full House Judiciary Committee met on Tuesday, March 2, 2004, and reported out two bills.

The committee gave a favorable report on **H.4649**, a bill pertaining to **INVESTIGATIONS OF TRAFFIC COLLISIONS INVOLVING LAW ENFORCEMENT VEHICLES**. This bill revises provisions for investigations of traffic collisions involving a motor vehicle or motorcycle of a law enforcement agency, so as to define the term "involved in a traffic collision" to include any police vehicle involved in a police action when a collision occurs. The legislation provides that any investigation that occurs as a result of a collision involving a police vehicle must include a field investigation to identify possible witnesses, including witnesses not involved in the collision itself, but who may have witnessed the collision from an area separate from the collision site.

The committee gave a favorable report on **H.4823**. This bill provides for an **AUTOMATIC STAY OF EXECUTION DURING APPELLATE REVIEW OF A JUDGMENT IN A CIVIL ACTION INVOLVING A PARTY TO THE MASTER SETTLEMENT AGREEMENT ENTERED INTO IN CONNECTION WITH THE TOBACCO ESCROW FUND ACT**.

WAYS AND MEANS

The Ways and Means Committee reported favorable with amendment, with a minority unfavorable, on **H.4765**, which beginning with the 2005 tax year, **REDUCES THE CURRENT SEVEN PERCENT TOP MARGINAL RATE OF STATE INDIVIDUAL INCOME TAX** in annual increments of .225 percent until a permanent top marginal rate of 4.75% is attained. The bill also provides that beginning with the top marginal rate applicable for taxable year 2006, the reduction must not be made for that taxable year if estimated general fund revenue growth is less than two percent of the most recent estimate by the Board of Economic Advisors of general fund revenues for the current fiscal year. The bill also provides that no reduction in the top marginal rate may exceed .225 for any one taxable year.

BILLS INTRODUCED IN THE HOUSE THIS WEEK

AGRICULTURE, NATURAL RESOURCES, AND

ENVIRONMENTAL AFFAIRS

S.496 *RABIES CLINICS/INOCULATIONS* Sen. McConnell

This bill increases from three dollars to five dollars the fee for a rabies inoculation at a rabies clinic promoted by the Department of Health and Environmental Control.

S.847 *AGRICULTURAL COMMODITY BOARD QUALIFICATIONS* Sen. Waldrep

This bill deletes the requirement that members of the Agricultural Commodity Board must be over the age of twenty five years, and revises from five years to one year the period during which a prospective board member must have been engaged in producing, and derived a substantial portion of his income from, the affected commodity within South Carolina.

H.4877 *FREE HUNTING AND FISHING LICENSES* Rep. McGee

This bill provides that state residents (for at least one year) who are determined by the South Carolina Workers' Compensation System to be totally disabled may obtain statewide hunting and fishing licenses at no cost.

EDUCATION AND PUBLIC WORKS

H.4856 *RICHLAND-LEXINGTON AIRPORT COMMISSION* Rep. J. Brown

This bill deletes the provision which prohibits members of the Richland-Lexington Airport Commission from serving more than two consecutive terms.

H.4870 *TEACHER CERTIFICATION* Rep. Stille

This bill revises certain sections relating to teachers who are certified by the National Board for Professional Teaching Standards by providing that these sections also apply to teachers who are certified by the American Board for Certification of Teacher Excellence.

H.4872 *SUSPENSION OF COMMERCIAL DRIVER'S LICENSE* Rep. Stewart

This bill requires that a person who has been issued a commercial driver's license must be immediately suspended from holding the license for certain crimes which are specified in the bill.

H.4879 *RELEASE OF INFORMATION REGARDING SPECIAL FRATERNITY/SORORITY LICENSE PLATES* Rep. Breeland

This bill requires that upon the request of a fraternity or sorority which sponsored a special license plate, the Department of Motor Vehicles must release at no charge to that sponsor the names and addresses of persons who have been issued that sponsor's special plate.

H.4903 *BREAST CANCER AWARENESS SPECIAL PLATES* Rep. Cobb-Hunter

This bill authorizes and provides for special "Breast Cancer Awareness" motor vehicle license plates.

H.4904 TEMPORARY LICENSE PLATES Rep. Walker

This bill revises the required contents of a temporary license plate.

JUDICIARY

S.893 POW/MIA RECOGNITION DAY Sen. Martin

This bill designates the third Friday in September of each year as POW/MIA Recognition Day in South Carolina. The bill provides that the Governor shall issue a proclamation each year calling upon the people of South Carolina to observe the day with appropriate ceremonies and activities. The bill provides that on the recognition day the flags atop state and local public buildings including the State Capitol Building shall be flown at half-staff until noon.

H.4873 REVOCATION OF LICENSE FOR FAILURE TO SATISFY A PERSONAL JUDGEMENT Rep. Clemmons

This bill provides that if a person fails to satisfy a personal judgment after one year has passed from the date of its execution, he shall have his license revoked unless, within forty-five days of receiving notice that his license will be suspended by the appropriate licensing entity, he satisfies the judgment in full and provides the licensing entity with a receipt from the clerk of court showing that the judgment has been satisfied. These revocation provisions apply to such licenses as a medical license, teaching certificate, commission and certificate of training from the South Carolina Criminal Justice Academy for a sworn law enforcement officer, commercial and recreational hunting, fishing, or trapping licenses, a driver's license, a commercial driver's license, and a watercraft registration.

H.4875 VENUE FOR TRIAL OF LANDLORD AND TENANT MATTERS

Rep. Clemmons

This bill provides that all matters between landlord and tenant must be tried where the subject matter or some part of the property is situated.

H.4892 "UNIFORM ATHLETE AGENTS ACT OF 2004" Rep. Stille

This bill enacts the "Uniform Athlete Agents Act of 2004." The legislation provides for: definitions, applications, registration, and renewal of registration for athlete agents; service of process upon individuals acting as athlete agents in this state; duties of the Secretary of State relating to applications for registration and issuance of temporary certificates and certificates of registration to athlete agents; the non-renewal, suspension, and revocation of certificates of registration after notice and opportunity for a hearing; required provisions of an agency contract including a warning to student athletes of certain rights and consequences of signing an agency contract; cancellation of an agency contract; retention of certain records for five years by an athlete agent and inspection of those records; prohibition of certain representations by an athlete agent or the furnishing of anything of value to a student athlete with the intent to induce a student athlete to enter into an agency

contract; a right of action by an educational institution against an athlete agent or former student athlete for damages caused by a violation; and civil and criminal penalties for certain violations.

S.548 CRIMINAL JUSTICE ORGANIZATIONS EXEMPTED FROM TORT LIABILITY Sen. Martin

This bill adds criminal justice organizations to the list of organizations included in the definition of professional societies that are exempt from tort liability.

H.4905 SMOKING PROHIBITED IN RESTAURANTS Rep. Hosey

This bill prohibits smoking in a restaurant. A violator is guilty of a misdemeanor and, upon conviction, must be fined not less than fifty nor more than seventy-five dollars.

H.4909 RIGHTS OF DISABLED PARENT IN A CHILD CUSTODY MATTER
Rep. Talley

This bill provides that if a parent of a child in a custody matter has a disability, the parent has the right to provide evidence and information regarding the manner in which the use of adaptive equipment or supportive services would enable the parent to carry out his or her parental responsibilities. The bill requires the court to make specific findings concerning the disability of the parent and the effect the disability has on the best interests of the child.

LABOR, COMMERCE AND INDUSTRY

H.4855 EXEMPTION FROM WORKERS' COMPENSATION LAWS Rep. Tripp

This bill provides that an employee covered by the Federal Employers' Liability Act, Longshore and Harbor Workers' Compensation Act or any of its extensions, or the Jones Act is exempt from South Carolina's Workers' Compensation laws.

H.4867 COMMITTEE TO EXPLORE NEW ECONOMIC COOPERATION ARRANGEMENTS AMONG THE SOUTHERN AND BORDER STATES

Rep. Davenport

This concurrent resolution establishes the Committee to Explore New Economic Cooperation Arrangements Among the Southern and Border States. The resolution provides for the membership, powers, and duties of the committee, and requires it to make a report and recommendations to the General Assembly before May 1, 2005, after which time the committee terminates.

H.4869 ABANDONED VEHICLES Rep. Harrison

This bill revises provisions regarding the disposition of unlawfully parked, unclaimed, or abandoned vehicles.

H.4874 PAYMENT OF HEALTH CARE CHARGES UNDER WORKERS' COMPENSATION Rep. Cato

This bill revises provisions governing the assignment of compensation claims under the South Carolina Workers' Compensation Law, so as to establish penalties for late

payment of charges for health care goods or services and to provide that payment may be made directly to the provider rather than to the claimant.

H.4893 REAL ESTATE TRANSACTIONS Rep. Edge

This bill provides for numerous revisions to provisions governing real estate transactions and the activities of licensed real estate brokers.

H.4894 CIVIL ENFORCEMENT UNIT OF THE DEPARTMENT OF INSURANCE

Rep. Tripp

This bill revises provisions relating to insurance fraud and reporting immunity. The bill changes and adds certain definitions and increases penalties for conviction. The bill provides civil remedies for persons injured. The bill establishes a Civil Enforcement Unit of the Department of Insurance and provides for its powers, duties, and responsibilities. The bill provides that the unit shall receive revenue from the fines assessed. The bill provides that the Office of the Attorney General, the State Law Enforcement Division, and the Department of Insurance Civil Enforcement Unit shall cooperate as appropriate. The Department of Insurance is authorized to assess licensed insurers based on premium writings and to provide for the distribution of funds generated by the assessments.

S.827 "CERTIFIED INDUSTRIAL HYGIENE AND CERTIFIED SAFETY PROFESSION TITLE PROTECTION ACT" Sen. McConnell

This bill enacts the "Certified Industrial Hygiene and Certified Safety Profession Title Protection Act." The legislation requires an individual who holds himself out as a certified industrial hygienist or a certified safety professional to be certified by the American Board of Industrial Hygiene or the Board of Certified Safety Professionals. Criminal penalties are provided for violations.

S.888 DEFINITION OF "NEW MANUFACTURED HOME" Sen. J. V. Smith

This bill provides for a definition of "new manufactured home" in provisions for the licensure and regulation of persons who manufacture, sell, install, modify, or alter manufactured homes.

S.891 CASUALTY INSURANCE RATES Sen. Richardson

This bill revises criteria for the making of rates for casualty insurance, so as to provide that consideration must be given to assessments, such as the Guaranty Fund, Wind and Hail Joint Underwriting Association, and similar mechanisms when making the rates. The bill provides that proposed rates changes where the sole factor for the change is the impact of a revised assessment does not constitute a rate increase for purposes of the requirement that an insurer make or issue a contract or policy only on rates which are in effect.

S.897 CHANGES ADOPTED BY THE SOUTH CAROLINA BUILDING CODE COUNCIL Sen. Leatherman

This bill provides that any changes adopted to the South Carolina Building Code by the South Carolina Building Code Council are deemed to be incorporated into the South Carolina Building Code and do not have to be readopted in subsequent code cycles.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

H.4878 CEMETERY LICENSE FEES Rep. Kirsh

This bill provides that the annual license fees for perpetual care cemeteries must be based upon the number of annual interments performed, rather than a set fee.

S.869 LONG TERM HEALTH CARE ADMINISTRATORS Sen. J. Verne Smith

This bill specifies experience required to qualify for licensure as a nursing home or community residential facility administrator. The bill also specifies evidence which must be submitted before a person may become a licensed nursing home administrator, including but not limited to evidence that the person has not been convicted of any crime relevant to the practice of nursing home administration. The bill also includes provisions for license fees, for license suspension and reinstatement, and for civil penalties related to nursing home administrators.

S.898 LICENSURE AND REGULATION OF THE NURSING PROFESSION Sen. J. Verne Smith

This bill makes numerous revisions to the current sections regarding licensure and regulation of the nursing profession, so as to conform these provisions to the statutory organizational framework for boards under the administration of the Department of Labor, Licensing and Regulation.

WAYS AND MEANS

S.531 ALCOHOLIC BEVERAGES/MINIBOTTLES Sen. Judiciary Committee

This bill eliminates the requirement that alcoholic liquors may be sold only in minibottles for on-premises consumption in licensed business establishments. The bill authorizes and provides for on-premises, by-the-drink consumption of one-liter liquor bottles, and imposes an excise tax of \$7.35 for each bottle. The bill prohibits the sale of one-liter liquor bottles in establishments other than licensed bars and restaurants and allows the sale of minibottles at retail establishments. Provisions of this bill which authorize sale of liquor by the drink would become effective only upon ratification of an amendment to the State Constitution.

H.4880 STATE FUNDING/NAMING OF BUILDINGS Rep. E.H. Pitts

This bill prohibits the use of General Assembly-appropriated funds in connection with the naming of a public building owned or leased by the State, or a part of the state highway system, for a living person who has occupied a state office within five years of the naming.

H.4888 RETIREMENT ISSUES Rep. Cooper

This bill revises certain provisions relating to retirees of the South Carolina Retirement System. These revisions include: reducing from sixty days to fifteen consecutive days, the period of time for which a retiree must be retired before returning to covered employment without affecting the retiree's benefit; deleting the earning limitation which affects a retiree's retirement allowance; closing the

Teacher and Employee Retention Incentive Program (TERI) for persons retiring after June 30, 2004; and repealing the TERI Program effective July 1, 2009.

H.4898 STATE INCOME TAX DEDUCTIONS Rep. Littlejohn

This bill provides to a reserve police officer, under certain conditions, a specified deduction from individual state income tax.

H.4899 SOUTH CAROLINA RURAL INFRASTRUCTURE BANK ACT Rep. Ott

This bill establishes and provides for the South Carolina Rural Infrastructure Bank and for the South Carolina Infrastructure Bank Trust Fund, for the purpose of making grants to eligible recipients in rural areas. The bill provides sources of funding for the Bank, and provides criteria for grants including, but not limited to, population, economic development, unemployment, level of infrastructure, and job creation.

The bill provides that effective January 1, 2005, all entities, employees, funds, property, and contractual rights and obligations of the following are transferred to and under the exclusive control of the South Carolina Rural Infrastructure Bank: the Local Government Division of the State Budget and Control Board and the Budget and Control Board Grant Program administered by the Division; the South Carolina Coordinating Council for Economic Development; the State Rural Infrastructure Fund; the Community Development Block Grant Program; the South Carolina Water Quality Revolving Fund Authority; and the South Carolina Infrastructure Facilities Authority.

H.4901 PORT ROYAL Rep. Ceips

This bill provides that the State Ports Authority has no statutory responsibility to operate a marine terminal at Port Royal, and requires that marine operations at Port Royal shall cease as soon as practicable. The bill also requires and provides for the State Ports Authority to sell all its real and personal property at Port Royal.

H.4902 LOTTERY SCHOLARSHIPS Rep. Duncan

This bill provides that students who receive certain lottery-funded scholarships who fail to complete a semester at any time during the student's first year of post-secondary education shall repay the amount of the scholarship to the state within thirty days. This requirement does not apply to a student who drops out of school due to certain exigent circumstances.

H.4906 GENERAL RESERVE FUND Rep. Thompson

This bill amends current provisions relating to increases in the amount required in the State General Fund as required by the State Constitution. These amendments would be effective upon ratification of an amendment to the State Constitution providing circumstances which result in an increase in the General Reserve Fund (see summary of H.4907 included in this document).

H.4907 CONSTITUTIONAL AMENDMENT RE GENERAL RESERVE FUND Rep. Thompson

This joint resolution proposes to amend the State Constitution so as to require an additional amount equal to one percent of state general fund revenues in the latest

completed fiscal year to be held in the General Reserve Fund each time the General Assembly enacts legislation which cumulatively has raised the then existing amount of state general fund revenues which may be used for annual debt service on state general obligation debt.

H.4908 SOUTH CAROLINA PUT PARENTS IN CHARGE

ACT Rep. W.D. Smith

This bill enacts the "South Carolina Put Parents in Charge Act," which provides income and property tax credits for tuition paid to public or nonpublic schools. The bill also provides income and property tax credits for contributions to scholarship granting organizations that will be used as provided in the bill. The bill also includes provisions for regulation, registration, and reporting of these scholarship granting organizations.

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